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9 Attorneys for defendants Schwab Investments and Charles
Schwab Investment Management, Inc.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

15 NORTHSTAR FINANCIAL ADVISORS INC.
on behalf of itself and all others similarly situated,

16 Plaintiff,

17 v.

18 SCHWAB INVESTMENTS and CHARLES
19 SCHWAB INVESTMENT MANAGEMENT,
INC.,

20 Defendants.

Case No. CV-08-4119 LHK (PVT)

CLASS ACTION

STIPULATION AND ~~PROPOSED~~
ORDER RE AMENDED
COMPLAINT AND RESPONSE

Courtroom: 4, 5th Floor
Judge: Hon. Lucy H. Koh

Date Action Filed: Aug. 23, 2008

1 WHEREAS, on August 18, 2010, Northstar Financial Advisors, Inc. ("Plaintiff") and
2 Schwab Investments and Charles Schwab Investment Management, Inc. ("Defendants"), filed a
3 Joint Case Management Conference Statement informing the Court that the Ninth Circuit had
4 granted Defendants' interlocutory appeal, reversing and remanding the Court's February 19, 2009
5 order denying Defendants' motion to dismiss Plaintiff's claim under section 13 of the Investment
6 Company Act of 1940;

7 WHEREAS, Plaintiff has chosen not to seek a rehearing on, or otherwise appeal, the
8 Ninth Circuit's decision;

9 WHEREAS, Plaintiff intends to file an amended complaint in light of the Ninth Circuit's
10 ruling;

11 WHEREAS, the parties have met and conferred and agreed upon a proposed schedule for
12 Plaintiff's filing of an amended complaint and Defendants' response;

13 WHEREAS, this case has been stayed pending a decision on Defendants' interlocutory
14 appeal and this schedule will have no effect on other proceedings in the case and will not change
15 any other Court-ordered deadlines:

16 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties, subject to
17 Court approval, that Plaintiff shall file its Second Amended Complaint on or before September
18 28, 2010, Defendants' motion to dismiss shall be filed on or before November 10, 2010,
19 Plaintiff's opposition shall be filed on or before December 6, 2010, Defendants' reply shall be
20 filed on or before December 21, 2010, and the hearing on the motion shall be set for January 13,
21 2011 at 1:30 p.m.

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1 IT IS SO STIPULATED.

2 Dated: September 3, 2010

Darryl P. Rains
Dorothy L. Fernandez
MORRISON & FOERSTER LLP

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5 By: /s/ Dorothy L. Fernandez
Dorothy L. Fernandez

6 Attorneys for defendants
7 Schwab Investments and Charles Schwab
Investment Management, Inc.

8 Dated: September 3, 2010

WOLF POPPER LLP

9 By: /s/ Robert C. Finkel
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23 Liaison Counsel for Plaintiff Northstar Financial
24 Advisors, Inc.

25 IT IS SO ORDERED.

26 Dated: September 10, 2010

27 
28 HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE